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IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR (C.G.)

WRIT PETITION NO. 4367 /2004

PETITIONER
DEFENDANT

P.A. No. 4342/04
Presented by Shri. A. N. Bhakta
dated. 08.11.04

Ganpat Rao Maratha, aged
about 63 years, son of Bitturao
Maratha, residence of Behind
Gunj, Kharsiya, Tah. Kharsiya,
Distt. Raigarh (Chhattisgarh)

VERSUS

RESPONDENT
PLAINTIFF

Niranjan Lal Agrawal, aged
about 75 years, son of Shri
Bhola Ram Agrawal, resident of
Mahuapali Road, Kharsiya, Tah.
Kharsiya, Distt. Raigarh
(Chhattisgarh)

WRIT PETITION UNDER ARTICLE 227 OF THE CONSTITUTION OF
INDIA,

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. NO. 4367/04
सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	4-1-2005 Shri Preetam Tiwari, counsel for the petitioner. The petitioner has preferred this writ petition under Article 227 of the Constitution of India questioning the legality, propriety and correctness of the order dated 22-7-2004 passed by the learned 4th Civil Judge, Class-II, Raigarh in Civil Suit No.187-A/2003 whereby the learned trial Court has directed the petitioner herein to deposit arrears of rent Rs.3600/- and also to deposit Rs.150/- per month as rent of the disputed premises. Brief facts leading to filing of this writ petition are that the respondent herein filed a suit for eviction and arrears of rent against the petitioner herein before the trial Court. When the petitioner failed to deposit the rent in terms of Section 13 (1) of the Chhattisgarh Accommodation Control Act, 1961, the respondent herein moved an application for directing the petitioner herein to deposit rent and that application was allowed and the petitioner was directed to deposit rent as mentioned above. Being aggrieved by that order, the petitioner herein has preferred this writ petition. I have heard learned counsel for the petitioner. Learned counsel for the petitioner submitted that in view of the specific plea taken by the petitioner herein in his para-4 of the written statement that the petitioner herein is in possession of the	

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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Barve	suit property as a owner, as the same was given to him by his father-in-law and he is not tenant of the respondent herein, the trial Court ought not to have passed the impugned order. It is an admitted position that the respondent herein has filed the suit for eviction and arrears of rent against the petitioner herein claiming himself to be the landlord of the petitioner herein regarding the property in question and the petitioner herein has denied the relationship of landlord and tenant. Since the respondent has filed the suit as a landlord, in that case the trial Court was right in passing the impugned order asking the petitioner herein to deposit the rent as claimed by respondent in the suit. It is for the respondent herein to prove that he is the landlord of the petitioner and there is a relationship of landlord and tenant between them, if he will fail to prove the same, then the suit will be dismissed automatically. Therefore, I do not find any illegality and infirmity in the impugned order. The writ petition is liable to be dismissed and it is accordingly dismissed.	Sd/- L.C. Bhadoo Judge

6.1.05